In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.16389 OF 2006

Date of Decision:- 21.11.2006

Mangal Kant …Petitioner.

Versus

State of Haryana & Others. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.R.K.Moudgil, Advocate for the Petitioner.

Mr.Harish Rathee, Sr.DAG Haryana for the Respondents.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The issue sought to be raised by the petitioner pertains to the year 1990. He was promoted on the post of Head Constable on 11.1.1990. He claims that his date of promotion be ante dated by giving him deemed date of promotion as 11.12.1989 on the post of Head Constable. He had filed a representation in the year 1995 on discovery of a fact that another Head Constable had been granted deemed date of promotion. The aforementioned

representation was rejected by the competent Authority on 3.8.1999. He approached this Court by filing Civil Writ Petition No.16775 of 2002, which was dismissed for delay and latches on 18.10.2002 by a Division Bench of this Court (Annexure P10). He has again approached this Court on the ground that another representation filed by him has been rejected by the Director General of Police, Haryana, on 1.7.2004 (Annexure P12).

After hearing learned counsel for the petitioner, we are of the view that settled matters of seniority cannot be reopened by unsettling the same by filing writ petitions after huge delay. The Supreme Court in the case of **"S.S.Rathore Vs. State of M.P." AIR 1990 SC 10** has held that filing of repeated representation would not infuse fresh lease of limitation and the matter was required to be agitated before the Court within reasonable time. The time limit for filing suit has been imported into the filing of writ petition as per the law laid down in the case of **"State of M.P. Vs. Bhai Lal Bhai" AIR 1964 SC 1006**. Moreover, the petitioner has already filed C.W.P.No.16775 of 2002, which was dismissed on 18.10.2002. Therefore, there is no merit in the petition. Hence, dismissed.

(M.M.KUMAR)
Judge

November 21, 2006 **(M.M.S.BEDI)**
dkb **Judge**